

Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649
ph: (508) 539-1400

August 10, 2015

AGENDA BOARD OF SELECTMEN MONDAY, AUGUST 10, 2015

6:30 p.m. – Convene Meeting – Waquoit Meeting Room – Mashpee Town Hall

PLEDGE OF ALLEGIANCE MOMENT OF SILENCE

MINUTES

Approval of the following: Monday, July 27, 2015 Regular Session – **Vote Required**

APPOINTMENTS & HEARINGS

- 6:30 – Public Comment
- 6:40 – Community Park Events Update, *Mary Bradbury and Wayne Taylor*

COMMUNICATIONS & CORRESPONDENCE

- 1) Impact of the “Cadillac Tax” of the Affordable Care Act on employers offering Master Health Plus, *Letter from Cape Cod Municipal Health Group*

OLD BUSINESS

NEW BUSINESS

- 1) Review and discussion of Mashpee Host Community Agreement between Medical Marijuana of Massachusetts, Inc. and the Town of Mashpee
- 2) Review and discussion of proposal from Freedom Rows Cape Cod to offer a rowing program at John’s Pond Beach
- 3) Review and approval of proposed October Town Meeting Warrant Article, submitted by the Waterways Commission after the July 13th deadline – **Vote Required**
- 4) Review and execution of Order of Taking, *A Portion of Saddleback Road* – **Vote Required**
- 5) Review and execution of Order of Taking, *Jonas Drive, Valerie Circle & Rachelle Court* – **Vote Required**
- 6) Ratification of Town Manager decision to perform emergency repairs to Fox Hill Road, pursuant to the provisions of Section 150-5 of the General Bylaws and Board of Selectmen Policy 011 – **Vote Required**
- 7) Review and discussion of Town Manager Evaluation Format – **Vote Required**
- 8) Discussion of Board of Selectmen goals and objectives for 2015/16

ADDITIONAL TOPICS

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

LIAISON REPORTS

EXECUTIVE SESSION

Board of Selectmen
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Present: Selectman Cahalane, Selectman Sherman, Selectman Gottlieb,
Selectman O'Hara, Selectman Cotton
Town Manager Rodney C. Collins
Assistant Town Manager Tom Mayo

Meeting Called to Order by Chairman Cahalane at 6:30 p.m.
Mashpee Town Hall, Waquoit Meeting Room

MINUTES

Monday, July 27, 2015 Regular Session:

Motion made by Selectman Sherman to approve the Regular Session minutes of Monday, July 27, 2015 as presented.

Motion seconded by Selectman Gottlieb.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

APPOINTMENTS & HEARINGS

Public Comment: None at this time

Community Park Events Update, Mary Bradbury and Wayne Taylor:

Mary Bradbury Director of Recreation was in attendance with Wayne Taylor representing the Special Events Committee to review the many successes of the new Mashpee Community Park with members of the Board of Selectmen and interested public. Ms. Bradbury highlighted some of the unique offerings this season.

With the formation of the new park, activities both recreational and non-recreational have increased substantially. A popular program generated by the Recreation Department was the Junior Police Academy comprised of children between the ages of six to twelve. The program interacted with the Mashpee Police Department and was a very positive experience for the younger aged children.

The youth soccer developmental program attracted an estimated fifty children this season. Volunteer support brought a lot of enrichment to the program. The Division of Fisheries and Wildlife also provided an instructional fresh water fishing program, both were offered at no charge. Ms. Bradbury indicated that Tuesday will mark the sixth community concert series in the park made available through grant funding offered by the Mashpee Cultural Council and the Arts Foundation. With free access, the concert program has been well attended.

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Community Park Events Update, Mary Bradbury and Wayne Taylor: (continued)

The weekly vendors offering Food Truck Fridays also attracted many visitors. Expansion is underway for this offering next year. Upcoming events include a Family Movie Night to be held on August 22, 2015 starting at dusk. In October, a New England Patriot Football Day is under consideration. Thereafter, the 2nd Annual Fill the Van food drive is planned, as is the first annual tree lighting with caroling to be held in the Community Park on Saturday, December 5, 2015. Santa is scheduled to make an appearance for this event riding on a Mashpee Fire Department truck.

It was noted the Annual Oktoberfest is scheduled on October 3, 2015. The venue will continue to be held at the

Mashpee Commons Green across from the Public Library.

Wayne Taylor indicated the concert series has been a great night for the Mashpee Community as well as having the Food Truck Friday offerings. It is the intention of the Special Events Committee to communicate with the Board of Selectmen to bring forth awareness of activities in the community. This type of forum will also assist in the notification of upcoming events to the general public.

COMMUNICATIONS & CORRESPONDENCE/LIAISON REPORTS

Library: At the Library an upgrade to the Wi-Fi is planned. This initiative for advanced technology will allow users, including the Library Board of Trustees better access to improved Internet connections.

Historical Commission: The last meeting of the Historical Commission was recently held at the newly renovated Mashpee Archives building. It was reported there has been issues with humidity that will soon be corrected. It was noted the Town Manager is supportive of the arrangement planned for the reconditioned facility. The Historical Commission is working with the DPW and volunteers on the relocation of the essential information, data and properties previously held in storage during the renovation process. Also, the DPW in conjunction with the IT Department is assisting the Historical Commission with the purchase of a new computer and document scanner, a project funded by the CPA.

Solid Waste Committee: It was reported the Waste Management Survey is available on the Town's website; www.mashpee.ma.gov. There are six basic questions and additional space is provided on the survey to allow for public comment. It is the intention of the committee to use the information to gain general knowledge on the use of the Transfer Station in the Town of Mashpee.

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COMMUNICATIONS & CORRESPONDENCE:

Impact of the "Cadillac Tax" of the Affordable Care Act on employers offering Master Health Plus, Letter from Cape Cod Municipal Health Group:

Correspondence was received from the Cape Cod Municipal Health Group dated July 30, 2015 with regards to the BCBS Master Health Plus plan the Town of Mashpee offers to its employees and retirees. As noted, most of the employers participating in the Cape Cod Municipal Health Group have eliminated the plan because the PPO plans offered by Blue Cross Blue Shield and Harvard Pilgrim have nationwide provider networks and equal or better benefits at lower cost than MHPlus.

The CCMHG has discussed dropping the Mashpee Health Plus from its health plan offerings, and the CCMHG Board has decided that it is the employer's responsibility to eliminate the plan through collective bargaining.

The Board of Selectmen conducted a brief discussion with respect to this regard with the Town Manager. It was disclosed that current union contracts are due to expire in fiscal year 2017. Presently, one union contract is under negotiation and thus remains outstanding. It was agreed this is an important financial issue as employer's offering MHPlus will be severely impacted by the "Cadillac Tax" of the Affordable Care Act beginning in 2018.

The matter was taken under advisement at this time.

Review and discussion of Mashpee Host Community Agreement between Medical Marijuana of Massachusetts, Inc. and the Town of Mashpee:

The Board of Selectmen met with attorney Mark Gildea representing Medical Marijuana of Massachusetts (MMM) to review the Mashpee Host Community Agreement for the operation of a marijuana medical use retail dispensary in the Town of Mashpee. Several representatives of the MMM were also in attendance for discussion purposes.

Attorney Gildea highlighted the main focus of plan to open a dispensary on Echo Road, Mashpee which includes measures of security and safety at the subject property. Mr. Gildea indicated that chain link fencing and surveillance cameras will encompass the entire property. Two trained high-level security personnel will be on site and no persons would gain access through the security gate without an access card. The site location would contain a segregated area for employees and deliveries, and have limited landscape, a distance of 50' between any vegetation. The product will be grown at a cultivation facility in Plymouth. The medical marijuana will be delivered daily to the facility and unsold marijuana would be returned to Plymouth each day. No money will be retained overnight at the property. Mr. Gildea stated that he has held meetings with the police and fire departments who are satisfied with the extent of security. Initially the hours of operation will be limited and scheduled by appointment only. It is anticipated that at the start of the program, fifteen persons would visit the site per day.

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NEW BUSINESS:

Review and discussion of Mashpee Host Community Agreement between Medical Marijuana of Massachusetts, Inc. and the Town of Mashpee: (continued)

Discussion followed with regards to the Host Community Agreement whereby the MMM would support community initiatives and interests in Mashpee to express its appreciation for the community support it will have received to operate a retail marijuana dispensary in the Town of Mashpee.

Under the terms of the Host Community Agreement, donations to the Town of Mashpee are defined as follows;
Calendar Year 2016; On or before December 31, 2016, MMM shall donate to Mashpee \$20,000
Calendar Year 2017; On or before December 31, 2017, MMM shall donate to Mashpee \$20,000
Calendar Year 2018; On or before December 31, 2018, MMM shall donate to Mashpee \$100,000.
Every calendar year after 2018; On or before December 31st, the MMM donation would be adjusted annually by the product obtained by multiplying the Escalator Base (\$100,000) by 3%.

In Section 3 of said Agreement, the MMM will not seek a non-profit exemption from paying real estate taxes.

The terms of the Host Community Agreement state the MMM intends to create and fund a charitable foundation to support research pertaining to the medical efficacy of medical marijuana, and local community initiatives for Plymouth, Mashpee and a municipality to support a third RMD location to be determined. The Board of Directors Charitable Foundation will have the sole power and authority to determine how to allocate the disbursement of the Foundation's funds among research initiatives and community initiatives that the Board of Directors selects.

The Foundation's Board of Directors will be comprised of (7) individuals including the Town Manager of Mashpee (or his designee) and the Director of Community Outreach in Mashpee.

Attorney Gildea indicated that money to the Foundation would be based upon the determination of sales, etc. after salaries and the like. Selectman Gottlieb questioned the assurance of money to be paid to the Foundation. It was noted the Foundation Director is a paid position. With regards to the determination of funding, all records would be made public.

In concern to the legalization of recreational marijuana likely to occur within three years, Selectman Gottlieb

suggested the MMM consider increasing the Host Community Donations in Calendar Year 2017. In the Agreement, the Re-Opener states that if the sale of marijuana becomes legalized in the Commonwealth of Massachusetts for recreational sale and use and Mashpee's zoning laws permit MMM to sell marijuana for recreational use at its Mashpee Dispensary location and MMM obtains a special permit, if so required by Mashpee's then current zoning laws, to sell marijuana for recreational use, then the parties will reopen and negotiate an amendment to this agreement.

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NEW BUSINESS:

Review and discussion of Mashpee Host Community Agreement between Medical Marijuana of Massachusetts, Inc. and the Town of Mashpee: (continued)

In reviewing the contract Selectman Gottlieb recommended the MMA seek some modification, and increase the donations to the Town of Mashpee more quickly so the Town would be able to use the funding to expand education in the schools for substance abuse types of programs. It is understandable the 1st year donation would be set. However, Selectman Gottlieb indicated by Calendar Year 2017, the donation should be increased further.

Since this is clearly a money making venture, it was recommended the MMM re-think their offer to the Mashpee community.

In response Attorney Gildea indicated that if the law changes, the MMM would go back to ZBA, and then return to the Board of Selectmen if recreational marijuana is legalized.

For clarification purposes regarding previous comments Attorney Gildea indicated there would not be a dumpster on site. Mr. Gildea re-affirmed that no product to be stored in Mashpee after hours. At the end of the day, unsold products will return to the facility in Plymouth. And, if there is change to the MMM operation, the matter would be revisited and reviewed with the Board of Selectmen. *It is disclosed that this comment is currently not contained in the Host Community Agreement, but it was specified the matter would be further reviewed with the Town Manager for inclusion into the Agreement.

Discussion followed with respect to the anticipated legalization of recreational marijuana. It was noted that if marijuana becomes recreational, a new special permit would be required, and it is anticipated the Town would seek a zoning bylaw to address the issue. This would re-open negotiations between MMM and the Town of Mashpee.

It was noted the MMM has drafted and negotiated the same Host Community Agreement with the Town of Plymouth as a dispensary and a grow facility. The Agreement with Plymouth has not been executed to date. The Selectmen were informed that all individuals with the exception of one will sit on the Foundation Board of Directors. The new representative is a well-qualified doctor. MMM is also retaining the same consultants and personnel.

Rodney Collins, Town Manager and former Chief of Police indicated the arrangements for security are professional and the plans for security are top shelf.

The Board of Selectmen agreed to defer any action at this time. It was agreed the MMM would further communicate with the Town Manager. And, possibly at the next meeting, the Selectmen would vote to ratify agreement. It was noted that Town Counsel has reviewed the initial agreement to form, and would review any amendments incorporated into the document prior to the Board of Selectmen's action.

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Review and discussion of proposal from Freedom Rows Cape Cod to offer a Rowing Program at John's Pond Beach:

June Richard, founder of the Freedom Rows Cape Cod, a military and adaptive/para rowing program was before the Board of Selectmen to review the need and the approach for this type of military program in Mashpee.

Ms. Richard indicated the program is currently being established under the umbrella of U.S. Rowing's "Freedom Rows" program. This is a national program that meets the needs of the military as a form of psychological and physical therapy. Freedom Rows Cape Cod is proposed to serve active and retired military personnel, and their children free of charge.

It has been determined that John's Pond is the most suitable site for this program as a result of its proximity to Joint Base Cape Cod. John's Pond offers beach access, parking and soon to be installed restroom facilities. Ms. Richard stated there is a need to store boats, and to provide sand space to construct boat racks at the site location.

Ms. Richard has received notification of a grant funding award for this program. However, the specific amount of the grant is not known at this time. Ms. Richard indicated that she will soon apply for non-profit status, and she plans to register officially with The White House Initiative "Joining Forces" in year two of the program.

It was noted the proposal was before the Town earlier this year. Rowing insurance will cover personal injury and boat damage, but it does not cover a town. With a complete proposal reflecting long range planning including commitment, exact location, identifying the parties responsible for placing and removing the ramps, and boat storage equipment including proof of liability insurance naming the Town as an additional insured, the project requires the Board of Selectmen's approval.

Discussion followed with respect to this regard. After consulting Town Counsel it has been determined that proof of liability insurance naming the Town of Mashpee as additional insured is required of private organizations utilizing or storing equipment on Town-owned property. As the dialogue continued it was stated that it is possible for the rowing organization when securing the 501(c) non-profit status to potentially partner with the Town as it has been organized and accomplished with the new Mashpee Dog Park. However, this lengthy option would provide the Town coverage under the Town's Insurance, but the program would be required to offer the rowing program to the general public.

Ms. Richard indicated the date of August 22, 2015 is planned for the start of this initiative. It was noted that rowing on the pond in the absence of storing equipment is open to the general public. The Board of Selectmen agreed to direct the Town Manager to work with the applicant on the requirements associated to the Freedom Rows proposal at John's Pond Beach. There was no further action at this time.

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Review and approval of proposed October Town Meeting Warrant Article, submitted by the Waterways Commission after the July 13th deadline:

Correspondence was received from Ken Bates, Chair of the Waterways Commission dated August 6, 2015 requesting the Board support a proposed bylaw amendment to Chapter 170-3 that the Waterways Commission recommends placement onto the October 19, 2015 Annual Town Meeting Warrant. It is the belief of the Waterways Commission the article is imperative to be approved and in place for the 2016 boating season.

The late filed article as proposed states under Chapter 170-3.A.1; There shall be no power loading allowed at any Mashpee ramp. This offense may be subject to a \$100 fine.

It was noted the power loading damages the ramps at the public access sites. The bylaw would assist to alleviate this type of situation.

Motion made by Selectman O'Hara to place the above referenced article submitted by the Waterways Commission on the October Town Meeting Warrant.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Review and execution of Order of Taking, A Portion of Saddleback Road:

The Board of Selectmen reviewed the Order of Taking proposed to execute the layout of a Portion of Saddleback Road as accepted by a vote of Town Meeting on May 4, 2015. Betterments are to be assessed in the amount of \$6,156.98 per property owner under this Taking.

Motion made by Selectman Gottlieb to execute the Order of Taking to accept as a public way, the layout of a Portion of Saddleback Road as presented.

Motion seconded by Selectman Cotton.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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Review and execution of Order of Taking, Jonas Drive, Valerie Circle & Rachelle Court:

In accordance with an affirmative vote on the Town Meeting of May 4, 2015, the Board of Selectmen reviewed the Order of Taking to accept as a public way, the layout of Jonas Drive, Valerie Circle and Rachelle Court in its entirety. Betterments in the amount of \$12,385.55 are to be assessed to each property owner under this Taking.

Motion made by Selectman Gottlieb to execute the Order of Taking to accept as public ways, Jonas Drive, Valerie Circle and Rachelle Court.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Ratification of Town Manager decision to perform Emergency Repairs to Fox Hill Road, pursuant to the provisions of Section 150-5 of the General Bylaws and Board of Selectmen Policy 011:

Pursuant to Policy No. 011; Criteria and Procedure for the Town to Perform Emergency Repairs to Private Ways, Rodney Collins Town Manager approved the request of the Director of Public Works to conduct emergency repairs to Fox Hill Road for a sum not to exceed \$500.

In accordance with Policy No. 011, the Town Manager may approve a project costing no more than \$500 in materials or hired contractors if a delay in the completion of such work until the next special or regular meeting of the Board of Selectmen would create harm to the public safety. When approval is granted, it must be presented to

the Board of Selectmen for ratification at their next meeting.

Motion made by Selectman Gottlieb to ratify the Town Manager's decision to perform emergency repairs to Fox Hill Road for a sum not to exceed \$500.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

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Review and discussion of Town Manager Evaluation Format:

At the last Selectmen's meeting, the Board authorized Selectman Gottlieb and Selectmen Cotton to review and develop a standard evaluation format for the rating of the Town Manager. It was noted the document was reviewed and developed with the assistance of the Town Manager, and Selectmen members were invited to give their input into the draft document.

Motion made by Selectman Cotton to approve the Town Manager Evaluation Format as presented.

Motion seconded by Selectman O'Hara.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Discussion of Board of Selectmen Goals and Objectives for 2015/16:

In mid-September of 2014, the Board of Selectmen conducted a workshop session for the purpose of setting goals and objectives. It was recommended the topic be placed on the upcoming Selectmen's agenda to update the progress of the former goal setting workshop. Upon review of the goals, objectives and accomplishments, it was agreed that thereafter the Board of Selectmen would develop an expanded set of goals and objectives for fiscal years 2015 and 2016. When considering a starting point and finality, Town Manager Collins suggested the Board at their review determine what goal/objective is measurable and what goal/objective is attainable.

Adjournment:

Motion made by Selectman Cahalane to adjourn at 7:37 p.m.

Motion seconded by Selectman Sherman.

VOTE: Unanimous. 5-0.

Roll Call Vote:

Selectman Cahalane, yes	Selectman Sherman, yes
Selectman Gottlieb, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Opposed, none

Respectfully submitted,

Kathleen M. Soares
Secretary to the Board of Selectmen